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Filing date: **09/09/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212905
Party	Plaintiff EMI (IP) Limited
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Submission	Stipulated/Consent Motion to Extend
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Signature	/Brent S. LaBarge/
Date	09/09/2016
Attachments	2016-09-09 MUSIC NOW - Motion for 60-day Suspension.pdf(30623 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/835,315

EMI (IP) LIMITED)	
)	
Opposer,)	
)	
v.)	Opposition No. 91212905
)	
OCC ESTABLISHMENT,)	
)	
Applicant.)	
)	

-and-

In the matter of Registration No. 2,100,606

EMI (IP) LIMITED)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92058236
)	
OCC ESTABLISHMENT,)	
)	
Respondent.)	
)	

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

EMI (IP) Limited (“EMI”) hereby moves, with consent, to suspend the discovery and trial deadlines in this matter by sixty (60) days pursuant to 37 C.F.R. § 2.117 and T.B.M.P. § 510.

Pursuant to the Board’s order of July 18, 2016, as good cause therefor, the parties state that they have actively been engaged in settlement discussions and provide the following detailed report. Specifically, counsel for EMI received a counterproposal from OCC Establishment (“OCC”) on May 10, 2016, which EMI has discussed both internally and with an unaffiliated entity, Sony Music Entertainment UK (which owns the NOW Marks within the European

Economic Area) throughout the summer. After discussing with Sony Music Entertainment UK, EMI's counsel is confident that OCC's recent counterproposal resolves additional issues. Counsel for EMI and OCC are discussing this proposal via teleconference within the next two weeks.

In sum, since the last request for suspension, the parties have remained actively engaged in settlement discussions and have exchanged further proposals to that end. Given the scope of the rights at issue, the parties need more time to review and discuss the current proposals and counterproposals in order to continue working toward a potential settlement. As previously stated, the parties have tentatively agreed on several outstanding issues and expect that continued negotiations will result in a final resolution of this dispute.

EMI has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Dates as Reset:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosures Due :	CLOSED
Discovery Period to Close :	November 9, 2016
Plaintiff Pretrial Disclosures :	December 24, 2016
Plaintiff's 30-day Trial Period Ends :	February 7, 2017
Defendant's Pretrial Disclosures :	February 22, 2017
Defendant's 30-day Trial Period ends :	April 8, 2017
Plaintiff's Rebuttal Disclosures :	April 23, 2017
Plaintiff's 15-day Rebuttal Period Ends :	May 23, 2017

Dated: September 9, 2016

Respectfully submitted,

EMI (IP) LIMITED

By: s/Brent S. LaBarge/
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Attorneys for Petitioner EMI (IP) Limited

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion for Suspension for Settlement with Consent has been served by electronically transmitting said copy, with the consent of OCC Establishment, on September 9, 2016, to:

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/s/Brent S. LaBarge/

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